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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/044,457

01/11/2002

John David Russell

50277-1732

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06/12/2007

HICKMAN PALERMO TRUONG & BECKER/ORACLE

2055 GATEWAY PLACE

SUITE 550

SAN JOSE, CA 95110-1089

EXAMINER

PITARO, RYAN F

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/044,457	Applicant(s) RUSSELL, JOHN DAVID	
	Examiner Ryan F. Pitaro	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 have been examined.

Response to Amendment

2. This communication is in response to Amendment E filed 3/16/2007. Claims 1,11,14, and 24 are independent claims. This action is Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9,10-22,24-26 have been rejected under 35 U.S.C. 102(e) as being anticipated by Gorman ("Gorman", US 6,738,770).

As per independent claim 1, Gorman discloses a computer implemented method of depicting a plurality of items and how said plurality of items satisfy multiple criteria,

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the method comprising the computer-implemented steps of: generating a display of a list of visual indicators in a particular order (Column 5 lines 41-56), wherein the particular order indicates how a plurality of items satisfy a first criteria (Column 6 lines 40-51); detecting input indicating the selection of a second criteria (Column 6 lines 40-51); in response to detecting said input, determining how said plurality of items satisfy the second criteria (Column 6 lines 40-51); and while retaining list of visual indicators in said particular order within said display, displaying a visual indication of how said plurality of items satisfy the second criteria (Column 6 lines 40-63, Figure 4c).

As per claim 2, Gorman discloses a method wherein the steps further include a browser receiving a self-contained page (Figure 4a); and wherein the steps are performed by said browser in response to executing said self-contained page, without said browser having to interact over a network with a server to determine how said plurality of items satisfy said second condition (Figure 4a).

As per claim 3, which is dependent on claim 2, Gorman discloses a method wherein the step of the browser receiving the self-contained page includes the browser receiving the self-contained page over the network from the server (Column 4 lines 39-54).

As per claim 4, which is dependent on claim 2, Gorman discloses a method wherein the step of the browser receiving the self-contained page includes said browser

causing said self-contained page to be read from removable computer-media (Column 4 lines 3-39).

As per claim 5, which is dependent on claim 1, Gorman discloses a method wherein the step of displaying a visual indication includes displaying one or more other visual indicators visually associated with a subset of items that satisfy said second criteria (Figure 4c, Column 6 lines 14-51).

As per claim 6, which is dependent on claim 1, Gorman discloses a method wherein the step of displaying a visual indication includes altering the visual appearance of one or more visual indicators from said list of visual indicators (Column 6 lines 14-51).

As per claim 7, which is dependent on claim 1, Gorman discloses a method wherein said first criteria is based on an alphabetic order of names associated with said plurality of items, and the particular order of the list of visual indicators indicates the alphabetic order of the name of the items (Figure 4c, Column 5 lines 41-55);

As per claim 8, which is dependent on claim 1, Gorman discloses a method wherein the step of detecting input indicating the selection of a second criteria includes detecting input selecting a particular category of a plurality of categories; and the step of displaying a visual indication of how said plurality of items satisfy a second criteria

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includes displaying a visual indication of which items of said plurality of items belong to said particular category (Column 8 lines 64 - Column 9 lines 5).

As per claim 9, which is dependent on claim 8, Gorman discloses a method wherein said step of detecting input selecting a particular category includes detecting that a user has selected said particular category as a selection in a list box listing said plurality of categories as selections (Column 8 lines 64 - Column 9 lines 5).

As per independent claim 11, Gorman discloses a method of generating a page this causes a browser to depict a plurality of items and how said plurality of items satisfy multiple criteria, the method comprising the steps of: generating first page elements that cause said browser to display in a particular order a list of visual indicators, wherein the particular order indicates how said plurality of items satisfy a first criteria (Column 5 lines 41-56); generating one or more second page elements that enable the browser to receive user input indicating a selection of one or more criteria of a plurality of criteria (Column 6 lines 40-51) in response to the browser receiving said input determining how said plurality of items satisfy the one or more criteria of the plurality of criteria (Column 6 lines 40-51); and generating third page elements that cause the browser to display, for each particular criterion of a plurality of criteria, a visual indication of how said plurality of items satisfy said particular criterion, without changing said particular order, in

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response to receiving user input indicating a selection of said particular criterion (Column 6 lines 40-63, Figure 4c).

As per claim 12, which is dependent on claim 11, Gorman discloses the steps further include issuing a query to a database system that stores information about said plurality of items (Column 4 lines 54- Column 5 lines 18), wherein said query requests data that may be used to determine which set of items of said plurality of items satisfy a first criterion of said plurality of criteria (Column 6 lines 40-51); receiving results of the query from the database system; and wherein the step of generating third page elements is based on an examination of the results (Column 6 lines 40-63, Figure 4c).

As per claim 13, which is dependent on claim 11, Gorman discloses a method including performing an examination of contents of said plurality of items to determine which of said plurality of elements satisfy a particular criteria of said plurality of criteria (Column 6 lines 40-51); wherein the step of generating third page elements is based on said examination of the contents (Column 6 lines 40-63).

Claim 14 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

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Claim 16 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

Claim 17 is similar in scope to that of claim 4, and is therefore rejected under similar rationale.

Claim 18 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to that of claim 9; and is therefore rejected under similar rationale.

Claim 24 is similar in scope to that of claim 11, and is therefore rejected under similar rationale.

Claim 25 is similar in scope to that of claim 12, and is therefore rejected under similar rationale.

Claim 26 is similar in scope to that of claim 13, and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman ("Gorman", US 6,738,770) in view of O'Hagan (O'Hagan, US 2003/0110227):

As per claim 10, which is dependent on claim 1, Gorman fails to distinctly point out a third criteria. However, O'Hagan teaches a method detecting input indicating the selection of a third criteria; and while retaining said particular order, displaying a visual indication of how said plurality of items satisfy said third criteria, wherein said third criteria is different from said second criteria ([0098]-[0101] figure 9b). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of O'Hagan with the method of Gorman. Motivation to do so would have been to provide a distinct way of indicating yet meeting another different criteria.

Claim 23 is similar in scope to that of claim 10, and is therefore rejected under similar rationale.

Response to Arguments

The affidavit filed on 3/16/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Gorman reference. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Garmon reference to either a constructive reduction to practice or an actual reduction to practice.

After carefully reviewing the affidavit, the evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date, November 4, 2000, of the Garmon, Pub US# 2003/0110227 reference. In this particular instance, there are no factual assertions sufficient to show the claimed subject matter. Applicant's lacks any exhibits, which state any of the claim limitations. Under 37 CFR 1.131 each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show (MPEP 715.07). There are no exhibits, which show a clear explanation of how the claimed invention is supported.

This is not meant to be an exhaustive list of deficiencies associated with the affidavit filed 3/16/2007. Appropriate Correction is required.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP

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